

PATENT
Attorney Docket No.: 22754/1-CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Mlinarsky et al. EXAMINER: Not Yet Assigned
SERIAL NO.: 10/776,413 GROUP ART UNIT: 2661
FILED: February 11, 2004 CONFIRMATION NO.: 2409
FOR: *TEST SYSTEM FOR SIMULATING A WIRELESS
ENVIRONMENT AND METHOD OF USING SAME*

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

By: *Marilyn R. Bogus*
Marilyn R. Bogus

November 19, 2004
Date

**SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant hereby submits a Supplemental Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES

- a. X Submitted herewith is a legible copy of (i) each *U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

* Waiver

The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC § 371 after June 30, 2003. *See* 37 CFR 1.491(b).

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

- a. X Except as may be indicated below in (b), all of the patents, publications or other information are in the English language or were cited in an English language Search Report, a copy of which is attached hereto (concise explanation not required).
- b. _____ A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:
- c. _____ The following additional information is provided for the Examiner's consideration:

FEES

IV. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b)

(check one box)

- a. ☐ within three months of the filing date of a national application (37 C.F.R. § 1.97(b) (1)). No fee or certification is required.
- b. ☐ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b) (2)). No fee or certification is required.
- c. ☒ **before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b) (3)). No fee or certification is required.** In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below, or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):

(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c) (1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c) (2)).

- a. ☐ No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

or

- b. ☒ **See the certification below. No fee is required.**

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby certifies that

- a. _____ each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b. _____ no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c. _____ some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned certifies that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application or, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

_____ please charge Deposit Account No. 50-0369 in the amount of \$180.00 for the above-indicated fee. A triplicate copy of this paper is attached.

 X No fee is required.

VII. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.704(d) (PATENT TERM
ADJUSTMENT)

Applies to original applications (other than design) filed on or after May 29, 2000

- a. _____ Each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.
- b. X **Enclosed herewith is form PTO-1449.**
- c. _____ Copies of cited references are enclosed.
- d. _____ Copies of cited references are enclosed except those entered in prior application _____ filed on _____ to which priority under 35 U.S.C. 120 is claimed. [The earlier application contains copies of the cited references.]
- e. _____ The listed references were cited in the enclosed International Search Report in a counterpart foreign application.

Application No.: 10/776,413

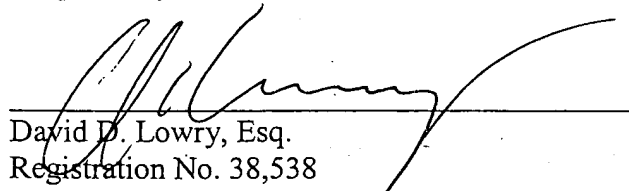
Filed: February 11, 2004

Group Art Unit: 2661

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition, if necessary) and charge the appropriate fee to Deposit Account No. 50-0369.

Respectfully submitted,

Date: 11/19/04


David D. Lowry, Esq.

Registration No. 38,538

BROWN RUDNICK BERLACK ISRAELS LLP

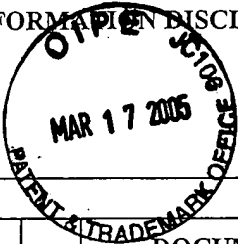
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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT 				ATTY DOCKET NO. 22754/1-CON		SERIAL NO. 10/776,413	
				APPLICANT(S): Mlinarsky et al.			
				FILING DATE: February 11, 2004		ART UNIT: 2661	
UNITED STATES PATENT DOCUMENTS							
EXAM. INITIAL		DOCUMENT NUMBER	DATE	INVENTOR	CLASS	SUB CLASS	FIL. DATE IF APPR
		4,868,716	09/19/1989	Taylor et al.	361	424	
		4,962,358	10/09/1990	Svetanoff	324	627	
		5,062,148	10/29/1991	Edwards	455	52	
		5,252,782	10/12/1993	Cantrell et al.	174	35 R	
		5,465,393	11/07/1995	Frostrom et al.	455	54.1	
		5,566,055	10/15/1996	Salvi, Jr.	361	816	
		5,805,667	09/08/1998	Alvarez et al.	379	1	
		5,893,031	04/06/1999	Hoogerwerf et al.	455	410	
		6,088,582	07/11/2000	Canora et al.	455	226.1	
		6,128,474	10/03/2000	Kim et al.	455	67.1	
		6,314,000	11/06/2001	Johnson	361	816	
		6,360,621	03/26/2002	Eldred et al.	73	865.6	
		6,571,082	05/27/2003	Rahman et al.	455	67.1	10/29/1999
		6,657,214	12/02/2003	Foegelle et al.	250	506.1	06/16/2000
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRAN Y/N
OTHER DOCUMENTS (INCLUDING AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.)							
Examiner:					Date:		



USPTO TRANSMITTAL

Atty Initials: DDL/mrb
Docket No.: 22754/1-CON

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon. Kindly acknowledge receipt by date stamping and placing this card in the outgoing mail.

Inventor(s): Mlinarsky et al. Mailing Date: November 19, 2004
Appl No.: 10/766,413 Client: Azimuth Networks
Filing Date: February 11, 2004 Patent No.
Issue Date:

Title: TEST SYSTEM FOR SIMULATING A WIRELESS ENVIRONMENT
AND METHOD OF USING SAME

Enclosed is:

Certificate of Mailing dated November 19, 2004

- Supplemental Information Disclosure Statement (6 pgs)
- Form PTO-1449 (1 pg)

